

## **REMARKS**

Applicants gratefully acknowledge Examiner Do for taking time on January 16, 2008, to call Applicants' representative to convey the changes deemed necessary by the 101 panel to address any remaining issues related to statutory subject matter. As best understood, the above changes incorporate these changes. It is also noted that the change to claim 10 is borrowed from claim wording from US Patent 5,710,578 to Beauregard, et al., issued on January 20, 1998, as subsequent to *In re Beauregard*, 53 F.3d 1583 (1995), the holding in which the USPTO conceded that diskettes containing a set of computer instructions were statutory subject matter.

Claims 1, 4-6, 10, 13-15, 18, 19, and 26-28 are all of the claims presently pending. Claims 2, 3, 7-9, 11, 12, 16, 17, and 20-25 are canceled.

It is noted that Applicants specifically state that no amendment to any claim herein, if any, should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claims or of the claims canceled for purpose of expediting prosecution of these claims indicated as being allowable.

Claims 1, 4-6, 10, 13-15, 18, 19, and 26-28 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

## **FORMAL MATTERS AND CONCLUSION**

The Examiner required incorporation of the words "machine-readable medium" into the specification. Although Applicants do not agree with this requirement, the wording is incorporated to expedite prosecution. Since it is uncertain whether the Amendment Under 37 CFR §1.116 that initially contained this specification change was or would be entered onto the record, the present supplemental amendment includes this specification change.

In view of the foregoing, Applicants submit that claims 1, 4-6, 10, 13-15, 18, 19, and 26-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the

Serial No. 10/671,933  
Docket No. YOR920030168US1 (YOR.462)

above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview, using Applicants' representative's direct number (703) 761-2377 or the general number listed below.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,



Date: January 16, 2008

---

Frederick E. Cooperrider  
Registration No. 36,769  
Direct Line: (703) 761-2377

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**

CERTIFICATION OF TRANSMISSION

I certify that I transmitted electronically, via EFS, this supplemental Amendment under 37 CFR §1.116 to Examiner C. Do on January 16, 2008.



Frederick E. Cooperrider  
Reg. No. 36,769